

CHAPTER 6

Animals

Article 6-4

Animal Regulations

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ARTICLE 6-4

Animal Regulations

Division 1 General Provisions

Sec. 6-4-10. Definitions.

When used in this Article, the following words and terms, unless the context indicates a different meaning, shall be interpreted to mean as follows:

Animal means any live vertebrate creature, domestic or wild.

Animal control officer means any person designated by the City to enforce provisions of this chapter or any other ordinance or law of the State pertaining to animals, and shall include police officers.

Animal shelter means the City Animal Shelter, which is hereby designated by the City as a facility for the boarding and disposition of any animal impounded under the provisions of this Article or any other ordinance or law of the State. The City may designate other facilities as necessary for the boarding of impounded livestock, wildlife or exotic species that the shelter is unable to confine safely or humanely.

Attack means any violent or hostile physical contact with a person or animal, or any violent or hostile behavior that confines the movement of a person or animal, including, but not limited to, chasing, cornering, encircling, harassing or encroaching.

Bodily injury means physical pain, illness or an impairment of physical or mental condition.

Cat means any member of the species *Felis catus*, regardless of sex.

Common areas of condominiums, townhouses, duplexes and apartment buildings/complexes includes, but is not limited to, the yards, grounds, play areas, clubhouses, swimming pools, sidewalks, walkways, common garage areas, entryways, hallways and driveways of said structures.

Custodian means any person who is in possession of, or is keeping, harboring or caring for any animal three (3) or more days in length.

Dog means any member of the species *Canis familiaris*, regardless of sex.

Guard dog means any dog placed within an enclosure for the protection of persons or property by attacking or threatening to attack any person found within the enclosure patrolled by such a dog.

Harbor means the act of keeping or caring for an animal, or providing premises to which the animal returns for food, shelter or care, for more than three (3) days in length.

Humane traps means box-type live traps which do not cause bodily harm to the animal intended to be captured or any other animal or person coming into contact with such trap.

Kennel means any establishment or other place where one (1) or more animals, either temporarily or permanently, are bred, born, raised, boarded, trained, kept, sold or fed for money or any other consideration.

Livestock means animals commonly regarded as farm animals, including, but not limited to, cattle, horses, goats, llamas, ostriches and sheep, but excluding pet animals such as rabbits, ducks, pigeons and doves.

Owner means any person over eighteen (18) years of age who has right of property in an animal or who harbors such animal or allows such animal to remain about his or her premises. The parent, guardian or legal custodian of any child under the age of eighteen (18) years who owns, keeps, harbors, has custody of or cares for an animal shall be deemed to be the owner of such animal.

Pet animal or *domesticated animal* means dogs, cats, rodents, birds, reptiles, fish, potbellied pigs weighing less than seventy (70) pounds, and any other species of animal which is sold or retained as a household pet, but does not include skunks, nonhuman primates and other species of wild, exotic or carnivorous animals that may be further restricted in this Article.

Possess, or any derivation thereof means exercising physical control over any animal.

Running at large means off the premises of the owner or custodian and not under the effective control of the owner or custodian, by means of a leash, cord or chain not more than ten (10) feet in length; except that for the purpose of this definition, the *premises of the owner or custodian* shall not include the common areas of condominiums, townhouses, duplexes and apartment buildings/ complexes; and any animal not under the effective control of its owner or custodian upon the common area of a condominium, townhouse, duplex or apartment building/ complex, or the grounds thereof, shall be deemed to be running at large.

Tether means to tie up or chain to a fixed inanimate object so as to restrict the free movement of an animal to a distance no greater than the length of its leash or chain.

Vaccination or *vaccination for rabies* means the inoculation of a dog or cat with a vaccine licensed by the United States Department of Agriculture for use in the prevention of rabies.

Wild animal means all species of animals which exist in their natural, unconfined state and usually not domesticated. (Ord. 1700 §1, 2001)

Sec. 6-4-15. Powers and duties of animal control officers.

(a) Animal control officers shall have the power and duty to enforce all sections of this Chapter or any other ordinance or law of the State pertaining to animals.

(b) Animal control officers are hereby designated as peace officers and shall be authorized to issue, sign and serve summonses and complaints in order to enforce the provisions of this Chapter, or any other provisions of this Code or law of the State pertaining to animals.

(c) The animal control supervisor, or his or her designee, shall keep accurate and detailed records of the impoundment and disposition of all animals coming into and leaving his or her custody and of all reports of any animal bites reported to an animal control officer.

(d) It shall be unlawful for an animal control officer to go upon private property to capture any animal to be impounded for, or to investigate any report of a violation of this Chapter, unless:

- (1) The officer has obtained consent of the person in possession of the property;
- (2) The officer has obtained a search warrant pursuant to Article 1-20 of this Code.
- (3) The officer is in pursuit of an animal which is or has been running at large;
- (4) The officer is in pursuit of an animal which the officer has probable cause to believe has bitten a person; or
- (5) The officer is attempting to abate a continuing violation of this Chapter or applicable state law when the owner of the property is not available to provide consent.

Nothing in Paragraph (3), (4) or (5) of this Subsection shall be deemed to authorize entry into any enclosed building on private property.

(e) Notwithstanding Subsection (d)(2) above, if the animal control officer has reasonable cause to believe that the keeping or maintaining of any animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal or the public health or safety, the animal control officer shall have the right immediately to enter and inspect the property or vehicle in or upon which the animal is kept, and may use any reasonable means required to effect such entry and make such inspection, whether the property or vehicle is occupied or unoccupied. The animal control officer shall first present proper credentials to the owner or occupant of the property or vehicle and demand entry, explaining the reasons therefor and the purpose of the inspection. Such entry shall be solely for the purpose of abating a violation of this Chapter or applicable state law and no evidence obtained during or as a result of such entry shall be admissible for any other purpose, including prosecution.

(f) The holder or recipient of any kennel or license issued pursuant to this Chapter does, by virtue of possession of said license, thereby consent and agree to entry upon the premises described in the license by the animal control officer for the purpose of conducting such inspections as are required by this Chapter or other applicable law. (Ord. 1700 §1, 2001; Ord. 1895 §4, 2006)

Sec. 6-4-20. Interference with animal control officer unlawful.

It shall be unlawful for any person intentionally to interfere with, hinder, harass, molest, injure, obstruct or disobey a lawful order from any animal control officer in the discharge of official duties under this Chapter or other applicable law. (Ord. 1700 §1, 2001)

Sec. 6-4-30. Prosecution for violations.

(a) Strict liability. For the purpose of prosecution for violations of any section of this Chapter, it shall not be necessary in order to obtain a conviction to prove notice on the part of the owner or custodian of the animal in question that said animal was in violation of a section of this Chapter at the time and place charged, it being the purpose of this Section to impose strict liability upon the owner or custodian of any animal. Each separate day or any portion thereof during which violation of this Chapter occurs or continues shall constitute a separate offense, and upon conviction thereof, shall be punishable as herein provided.

(b) Special sanctions. The animal control officer, or the City Attorney or his or her designee, may recommend that one (1) or more special sanctions be levied against any animal owner or custodian convicted of any violation of this Chapter. This recommendation may be presented to the Municipal Court as a proposed condition of sentencing upon conviction and may be in lieu of or in addition to any penalty. The Court may take into consideration the severity of the incident, the prior history of the owner or custodian or particular animal, and the recommendation of the animal control officer or City Attorney. Special sanctions may include, but are not limited to, the following:

(1) Construction of a secure animal enclosure, built to the specifications of the animal control officer, and in compliance with any applicable zoning ordinance;

(2) Spaying or neutering of the animal;

(3) Obedience training/behavior modification;

(4) Responsible pet ownership class;

(5) Community service work for the owner;

(6) Euthanasia of the animal;

(7) Prohibition from owning, keeping or otherwise harboring animals in the City for a specific period;

(8) Use of humane training devices for animal behavior modification;

(9) Inspections of premises where the animal is kept;

(10) Restitution for costs of care rendered or shelter given at the City's designated animal shelter, costs of veterinary care and costs of medical treatment; and

(11) Treatment or counseling programs for the owner.

(c) The provisions of this Section shall not in any way limit the power of the Municipal Court, on its own motion, to impose special sanctions as it deems appropriate. (Ord. 1700 §1, 2001)

Sec. 6-4-40. Penalty.

Any violation of this Chapter shall be punishable, upon conviction, as provided in Section 1-24-10 et seq. of this Code. (Ord. 1700 §1, 2001)

Sec. 6-4-50. Exemptions for police dogs.

Police dogs owned by federal, state or local law enforcement agencies shall be deemed exempt from the provisions of this Chapter while being used in the performance of the functions of the aforementioned department. (Ord. 1700 §1, 2001)

Sec. 6-4-60. Destruction or seizure on Court's order.

(a) If a complaint has been filed in the Municipal Court against the owner or custodian of an animal for a violation of this Chapter, the Municipal Judge may, upon making a finding that the animal is vicious as defined in Section 6-4-200, or that it represents a clear and present danger to the citizens or to other animals in the community, order the animal to be destroyed in a humane manner. Surrender of an animal by the owner or custodian thereof does not relieve or render the owner or custodian immune from the decision of the Court, or to the fees, fines or other penalties which may result from a violation of this Chapter.

(b) If an affidavit has been submitted to the Municipal Judge which satisfies the Judge that an animal is located within the City which is the subject of a violation of this Chapter, and that the animal either poses a clear and present danger to the health, general welfare or safety of other persons or animals, or is suffering extreme neglect or cruelty, the Municipal Court may order the animal seized by a designated officer or employee of the City pursuant to Rule 241 of the Colorado Municipal Court Rules. The animal owner or custodian may request a hearing concerning any such order for seizure entered pursuant to this Section by filing an appropriate motion pursuant to Rule 241(e) of the Colorado Municipal Court Rules. Whenever an animal is seized by order of the Municipal Court or other court, the animal shelter shall not adopt, donate or euthanize the animal unless such action is permitted by a subsequent order of the court which ordered the initial seizure. Any animal held pursuant to court order may be disposed of by the animal shelter if unclaimed by the owner or custodian more than five (5) business days following issuance of a court order authorizing the release of the animal. The animal owner or custodian shall be liable for all expenses arising from the impoundment and boarding of any animal under a seizure order until the animal is released or otherwise disposed of and must pay a bond according to state law.

(c) Whenever an animal is seized pursuant to Subsection (b) above, or impounded pursuant to this Chapter, the animal owner or custodian may be summoned before the Municipal Court on the next scheduled court date following the seizure to answer any charges arising from the seizure. Trials involving charges resulting in animal seizures shall be given priority on the Municipal Court docket in order to minimize the expense to animal owners or custodians for impoundment and boarding of seized animals. (Ord. 1700 §1, 2001)

Division 2 Rabies Control, Immunization and Confinement

Sec. 6-4-100. Rabies vaccination required.

(a) Vaccination required. The owner or custodian of any dog or cat six (6) months of age or older shall have such dog or cat vaccinated against rabies by a licensed Colorado veterinarian, unless such owner or custodian presents to the animal control officer a written statement from a licensed Colorado veterinarian that vaccination against rabies would be detrimental to the health of such dog or cat. All dogs or cats vaccinated at six (6) months of age or older shall be revaccinated at one (1) year of age and every third year thereafter. Such routine vaccination shall be performed during the months of January and February during every third calendar year. Each person moving into the City from a location outside of the City shall comply with this Division within thirty (30) days after having moved into the City. Any person who acquires within the City a dog or cat shall have such dog or cat vaccinated within thirty (30) days of such acquisition, or when the dog or cat reaches six (6) months of age, whichever is later.

(b) Unlawful to possess unvaccinated dog or cat. It is unlawful for any person to possess any dog or cat which has not been vaccinated for rabies as provided for in Subsection (a) above or which cannot be identified as having a current certificate of vaccination, subject to any exception in Subsection (a). (Ord. 1700 §1, 2001)

Sec. 6-4-110. Rabies tag required.

(a) Tag to be worn. Every owner or custodian shall maintain upon each dog or cat a collar or harness to which its current rabies tag shall be attached.

(b) Tag not transferable from animal to animal. No person shall affix to the collar or harness of any dog or cat, or permit to remain affixed, a tag evidencing inoculation for any other animal. (Ord. 1700 §1, 2001)

Sec. 6-4-120. Reporting of animal bites and confinement.

(a) Confinement of animals which have bitten persons.

(1) The owner or custodian of any domesticated animal that has bitten any person so as to cause an abrasion of the skin shall immediately advise an animal control officer of that fact. Any such animal shall be immediately confined for a period of ten (10) days, or longer on the advice of the attending veterinarian or the County Health Department having jurisdiction. Confined animals shall have no contact with the public, and it shall be unlawful for any person to remove any confined animal from the designated quarantine location. Since they are not considered to be transmitters of the rabies virus, bites inflicted by rodents, rabbits, reptiles or fowl need not be reported to animal control.

(2) Confinement may be on the premises of the owner or custodian if deemed appropriate in the discretion of the animal control officer, but confinement must be within the City limits for a minimum of ten (10) days. If not confined on the premises of the owner or custodian, confinement will be at the animal shelter, or in any veterinary hospital or licensed boarding kennel within, or in proximity to, the City limits. Such confinement shall be at the expense of the owner or custodian. In the case of animals whose owner or custodian cannot be located, such confinement shall be at the animal shelter.

(b) Owners required to produce animals which have bitten persons. The owner or custodian of any animal that has been reported as having inflicted a bite which caused an abrasion of the skin of any person shall, on demand of the animal control officer, produce said animal for examination and confinement, as prescribed in this Section. If the owner or custodian of any such animal refuses to produce the animal, the owner or custodian shall be in violation of this Chapter and subject to immediate arrest if there is probable cause to believe that the animal has inflicted a bite upon a person and that the owner or custodian is in possession of the animal and is willfully hiding or refusing to produce the animal upon such demand. Such persons shall be taken before a Judge of the Municipal Court, who may order the immediate production of the animal. If the owner or custodian of such animal shall willfully or knowingly hide or refuse to produce the animal, each day of refusal to produce the animal shall constitute a separate and individual violation of this Chapter. It shall be unlawful to give away, sell or remove any such animal from the City, or to destroy such animal before it can be properly confined by the animal control officer.

(c) Treatment of bites to be reported by physician. Every physician and other medical practitioner who treats a person for bites inflicted by animals shall report such treatment to an animal control officer within twenty-four (24) hours, giving the name, address and telephone number of such person who has been bitten.

(d) Veterinary and additional owner responsibilities.

(1) The owner or custodian of any dog or cat shall inform the veterinarian before any rabies inoculation is given whether the subject dog or cat is under confinement or has inflicted a bite on any person within the last ten (10) days. It shall be the responsibility of any veterinarian to vaccinate any dog or cat over six (6) months of age that is presented for such vaccination in good health and has not inflicted a bite upon a person in the preceding (10) days.

(2) When an animal under quarantine has been diagnosed by a licensed veterinarian as being rabid, the veterinarian making such diagnosis shall immediately notify the county public health officer and advise him or her of any reports of human contact with said animal. If any animal under confinement dies while under observation, the animal control officer or his or her agent shall immediately take action to obtain a pathological and inoculation examination of the animal. As soon as a diagnosis is made available, the animal control officer shall notify the county public health officer of any reports of human contact with the animal.

(e) Disposition of rabies suspects. Animals known to have been bitten by or exposed to a rabid animal shall be immediately destroyed, or released upon proof of current rabies immunization and "booster injection" given by a licensed veterinarian at the expense of the owner or custodian. The owner or custodian of any animal released under this Section shall be required to keep said animal under quarantine for a period of six (6) months or as may be determined necessary by the county public health officer. (Ord. 1700 §1, 2001)

Division 3 Owner Responsibilities

Sec. 6-4-200. Vicious animal.

(a) No one shall keep, possess or harbor a vicious animal within the City. Any animal exhibiting behavior set forth in this Section is hereby declared to be a vicious animal. It shall be unlawful for any owner or custodian of an animal to permit or allow said animal, without intentional provocation, to:

(1) Cause bodily injury to any person or other animal at any place within the City;

(2) Approach any person or other animal, in a menacing or terrorizing manner or in an apparent attitude of attack while off the owner's or custodian's property; or

(3) Attack any person or other animal who is lawfully on the owner's or custodian's property.

(b) It shall be an affirmative defense to charges under this Section if the victim of the attack has made an unlawful entry into the dwelling or enclosed premises of the owner or custodian or was bitten during the commission of a crime against the owner or custodian.

(c) Impoundment of animals whose owners or custodians have been cited for violation of this Section shall be at the discretion of the animal control officer. If the animal is vicious or otherwise presents a clear and present danger to the public health or safety, it shall be the duty of the animal control officer or his or her agent to impound such animal.

(d) Nothing in this Chapter shall be construed to prevent the animal control officer from taking whatever action is reasonably necessary to protect his or her person or other members of the public from injury or damage, including immediate destruction of any vicious animal without notice to the owner or custodian. (Ord. 1700 §1, 2001)

Sec. 6-4-210. Aggressive animal.

Any animal exhibiting behavior set forth in this Section is hereby declared to be an aggressive animal. It shall be unlawful for any owner or custodian of an animal to permit or allow said animal, without intentional provocation, to:

(1) Harass persons by encroaching onto public property or the property of another from the property of the animal's owner or custodian; or

(2) Attack, injure or kill another animal while off the owner's or custodian's property. (Ord. 1700 §1, 2001)

Sec. 6-4-220. Nuisance animal.

(a) Any animal exhibiting behavior set forth in this Section is hereby declared to be a nuisance animal. It shall be unlawful for any owner or custodian of an animal to allow said animal to:

(1) Create a disturbance by loud and persistent or habitual barking, howling, yelping or other unreasonable noise; or

(2) Cause offensive or noxious odors or exhibit any other conduct or create any other condition which disturbs the peace, safety or comfort of a neighborhood.

(b) It shall not be a defense to a violation of this Section that the animal owner or custodian was not available to remedy such violation.

(c) For purposes of this Section, persons shall not be deemed to have provoked, incited or caused the howling, barking or other unreasonable noise of an animal merely by the ordinary or reasonable use of private properties, public roadways, sidewalks or alleyways, or common areas of condominiums, townhouses or apartment buildings.

(d) No summons and complaint shall be issued nor shall there be a conviction for a violation of Subsection (a)(1) above unless there are at least two (2) or more complaining witnesses from separate households who shall have signed such complaint and shall testify at trial.

EXCEPTION:

(1) An animal control officer who has personally investigated the complaint of a single complainant and observed the nature and duration of noise created by the animal may testify

to his or her observations. Said testimony shall satisfy the requirement for a second complaining witness.

(2) Where a complainant presents to the animal control officer at the time of the complaint other credible corroborative evidence of the alleged violation (such as a videotape), said evidence, if admissible, shall satisfy the requirement for the second complaining witness. (Ord. 1700 §1, 2001)

Sec. 6-4-230. Running at large.

(a) It shall be unlawful for the owner or custodian of any animal to permit the same to freely run, go off leash or be at large on any street or public place within the City, or upon the premises of any other person without prior permission of such other person.

EXCEPTION: This Section shall not apply to areas designed by the City as dog training areas. Within designated dog training areas, owners and custodians may allow dogs to exercise or undergo training off leash, under the supervision of a person competent to control such dog by hand or voice commands.

(b) It shall be unlawful to tether any animal on any property other than that of the owner or custodian without prior written permission of the property owner or occupant, or to allow any animal tethered on the property of the owner or custodian to have access to property other than that of the animal owner or custodian.

(c) Any injured animal on public property or property other than that of the owner or custodian without permission of the property owner or occupant shall be removed by the animal control officer and given any stabilizing veterinary treatment deemed reasonable and humane under shelter guidelines, pending notification of the owner or custodian. The owner or custodian of such animal shall be liable for all veterinary expenses and impoundment fees.

(d) If any animal dies on public property or on property other than that of the owner or custodian, it may be removed by an animal control officer. The owner or custodian shall be responsible for disposal fees established by the animal shelter in addition to penalties for violation of this Section. (Ord. 1700 §1, 2001)

Sec. 6-4-240. Animals prohibited from causing damage.

(a) It shall be unlawful for the owner or custodian of any animal to permit said animal, with or without the direct knowledge of that owner or custodian, to destroy, damage or injure any shrubbery, plants, flowers, grass, lawn, fence, structure, part of a structure, other domestic animal or anything whatsoever upon any private property owned or occupied by a person other than the owner or custodian of such animal, or to permit or allow said animal to come in contact with a motor vehicle owned by someone other than the owner or custodian of the animal in such a way so as to cause damage to the motor vehicle or injury to its occupants, when said motor vehicle is on the property other than that of the animal owner or custodian. Any animal permitted to engage in the activities prohibited by this Section may be impounded.

(b) Any animal found trespassing or found causing damage to property as described in Subsection (a) above may be humanely restrained by the owner or occupant of such property, or by such owner's or occupant's agent, for a reasonable time, during which time such owner, occupant or agent shall notify an animal control officer of his or her possession of the animal,

notify the owner or custodian of his or her possession of the animal, release the animal to the owner or custodian, release the animal to the animal control officer at the site of capture, or transport the animal to the animal shelter.

(c) Any animal, domestic or wild, found trespassing or creating a nuisance at any place within the City may be humanely restrained by any person. Nuisance wild animals may be released to an animal control officer, transported to the animal shelter or licensed wildlife rehabilitation facility, or relocated in accordance with all applicable state wildlife regulations. Nuisance domestic animals must be released to an animal control officer, returned to the owner or custodian, or transported to the animal shelter. (Ord. 1700 §1, 2001)

Sec. 6-4-250. Dog and cat in estrus.

Any unspayed dog or cat in the stage of estrus (heat) shall be confined during such time in a house or secure and enclosed building, and said area of enclosure shall be so constructed that no male dog or cat may gain access to the confined animal. When outside the house or enclosure for waste elimination, the unspayed dog or cat must be physically restrained by a competent person by the use of a hand-held leash. The animal control officer shall order any unspayed dog or cat that is in a state of estrus and that is not properly confined, or any such dog that is creating a neighborhood nuisance, to be removed to a boarding kennel, to a veterinary hospital or to the animal shelter. All expenses incurred as a result of the confinement shall be paid by the owner or custodian. Failure to comply with the order of the animal control officer shall be a violation of this Chapter, and the unspayed dog or cat will then be impounded as prescribed in this Chapter, subject to fines and charges as directed. (Ord. 1700 §1, 2001)

Sec. 6-4-260. Identification tag required.

It shall be unlawful for the owner or custodian of any dog or cat within the City to fail to cause such dog or cat to wear or bear at all times legible and current identification containing words, numbers or a combination thereof which enables the animal control officer to readily ascertain the name, current home address and current home telephone number of the owner or custodian. Said identification may be in the form of a durable tag affixed to the collar or harness of such dog or cat, or other similar type of identification. (Ord. 1700 §1, 2001)

Division 4 Prohibited and Restricted Animals

Sec. 6-4-300. Prohibited animals.

(a) It shall be unlawful for any person to own, have custody of, sell or in any other means traffic the following species of animal;

- (1) All poisonous snakes, poisonous reptiles, and nonpoisonous snakes with a length greater than five (5) feet;
- (2) Nonhuman primates;
- (3) Any species of feline other than ordinary domesticated house cats;
- (4) Bears of any species;

- (5) All crocodilians;
- (6) Raccoons, porcupines, skunks, badgers or other like species;
- (7) Foxes, wolves, coyotes or other species of canines other than dogs; or
- (8) Any other animal that is not indigenous to the State or is not classified as a domesticated animal.

(b) Alleged domestication of any prohibited animal shall not affect its status under this Section. In the event of uncertainty about whether a particular animal is a prohibited animal, it shall be presumed prohibited until proven by a preponderance of the evidence to the contrary to the satisfaction of the Municipal Court.

(c) Nothing herein shall prohibit the bona fide activities of the following:

(1) A wildlife rehabilitator, falconer or scientific collection permit holder currently licensed by the Colorado Division of Wildlife, so long as such license or permit holder complies with all applicable City Code and zoning ordinance provisions; or

(2) A veterinary hospital operated by a veterinarian currently licensed by the State which complies with all applicable City Code and zoning ordinance provisions. (Ord. 1700 §1, 2001)

Sec. 6-4-310. Livestock unlawful except in specified zoning districts.

It shall be unlawful for any person to own or have custody of any livestock except in a zoning district where such use is permitted in accordance with any zoning ordinance, as from time to time amended. (Ord. 1700 §1, 2001)

Sec. 6-4-320. Guard dog.

It is unlawful to place or maintain a guard dog in any area for the protection of persons or property unless the following conditions are met:

- (1) It shall be under the complete control of a handler at all times; or
- (2) The dog shall be confined to an enclosed area adequate to ensure that it will not escape; and
- (3) Warning signs shall be conspicuously posted indicating the presence of a guard dog, and such signs shall plainly show a telephone number where some person responsible for controlling the guard dog can be reached at all times. (Ord. 1700 §1, 2001)

Division 5 Health and Sanitation Requirements

Sec. 6-4-400. Removal of animal feces from certain areas.

When an animal defecates upon property other than that of the owner or custodian, including common areas of condominiums, townhouses, duplexes or apartments, it shall be the duty of the

owner or custodian of such animal immediately to remove and properly dispose of such feces, as outlined in Section 6-4-410(b). (Ord. 1700 §1, 2001)

Sec. 6-4-410. Cleanliness of premises.

(a) It is hereby declared to be a nuisance and it shall be unlawful for any person to allow the accumulation of feces on any premises owned, occupied or controlled by such person in the City, to the extent that it creates an unsanitary, offensive or unhealthy condition.

(b) It shall be unlawful for any person to place animal feces in storm sewers or upon property of another or to dispose of such feces in any manner except by depositing it in a toilet or a covered, fly-tight container normally used for garbage. (Ord. 1700 §1, 2001)

Sec. 6-4-420. Responsibility for reporting vehicular accidents involving animals.

Any person who, as the operator of a motor vehicle, strikes any animal shall stop at once and shall immediately report such incident, including injury to person, property or animal, to an animal control officer. The animal control officer shall then notify the owner or custodian of the animal. (Ord. 1700 §1, 2001)

Sec. 6-4-430. Death of animals.

Any dead animal shall be disposed of by the owner or custodian within twenty-four (24) hours of death by burial, incineration in a state-approved facility, rendering or other state approved means. No dead animal shall be dumped or abandoned on any public or private property. (Ord. 1700 §1, 2001)

Sec. 6-4-440. Accumulation of animals.

- (a) Within the City limits, no person or household shall own or have custody of more than:
- (1) Four (4) dogs of more than four (4) months of age;
 - (2) Four (4) cats of more than four (4) months of age;
 - (3) A total of four (4) dogs and cats of more than (4) months of age in any combination:
or
 - (4) A total of four (4) domestic ducks or rabbits or doves or pigeons in any combination.

In addition to the limits set forth above, no person or household shall own or have custody of more than ten (10) small animals such as guinea pigs, hamsters or the like, more than four (4) months of age.

(b) If an owner or custodian who violates this Section has been convicted in the past two (2) years of possession or harboring of a vicious, aggressive or nuisance animal, the total number of animals permitted under this Section may be reduced by the Municipal Court to a total of two (2) animals in any combination. (Ord. 1700 §1, 2001)

Sec. 6-4-450. Sale of animals.

(a) No person shall engage in the commercial business of breeding, buying, selling, trading, training or boarding of cats or dogs, without having obtained a kennel license from the City Clerk. For the purpose of this Section, the act of advertising animals for sale constitutes selling of animals for commercial purposes.

(b) No person shall display any animal in a public place for purposes of selling or giving the animal away. *Public place* shall include, but not be limited to, streets, highways, parking lots, areas exterior to shops or businesses, carnivals, sidewalks and flea markets. This Section does not apply to a registered rescue group or animal welfare society. (Ord. 1700 §1, 2001)

Division 6 Care and Treatment of Animals

Sec. 6-4-500. Improper treatment of animals.

(a) Cruelty. It shall be unlawful for any person to commit or cause to be committed any intentional act of cruelty, abandonment, harassment or torture to any animal, or intentionally cause any animal to be wounded, mutilated or strangled, or to throw or shoot any object, missile, stone or snowball, or to be inhumanely killed. Ownership of said animal shall not be a defense to such acts or to a violation of this Section.

(b) Neglect. It shall be unlawful for the owner or custodian of any animal to deprive such animal of adequate nutrition, potable water available at all times, proper protection from the elements and extremes in temperature, opportunity for exercise, adequate veterinary care, grooming, socialization or otherwise neglect such animal in any manner as to endanger its health or cause it to suffer. Minimum standards for care of animals may be established by the animal control officer to assist in the education of owners or custodians and enforcement of this Section.

(c) Unsafe tethering. It shall be unlawful for the owner or custodian of any animal to tether any animal in such a manner that the animal may become entangled and unable to reach shelter or water, or in such a manner that the animal may be injured, strangled or otherwise caused to suffer.

(d) Unsafe transporting. It shall be unlawful for any person who has control of any animal to allow such animal to ride in or upon any motor vehicle in such a manner as to permit injury or endanger the life of said animal, such as:

(1) Transporting any animal in an open truck or any motor vehicle in such a manner as to permit the animal to jump or be thrown therefrom from acceleration, sudden movement or collision involving the vehicle, including, but not limited to, having the rear tailgate unlatched; or

(2) Confinement or transportation of any animal in such a way that the animal is exposed to extremes in temperature or weather conditions.

For purposes of this Section, the operator of a motor vehicle shall be deemed to have control of any animals riding therein.

(e) Care of animals. It shall be unlawful for any owner, manager or employee of a pet shop, kennel, animal hospital or shelter to fail to maintain the facilities in a sanitary condition, provide proper heating and ventilation, provide space appropriate to the size, weight and species of the

animal, provide adequate nutrition, provide adequate veterinary care for all animals in his or her care, or fail to take reasonable care to release for sale, trade or adoption only those animals which are free of disease or injuries. (Ord. 1700 §1, 2001)

Sec. 6-4-510. Poisoning.

It shall be unlawful for any person knowingly to poison any domesticated animal or livestock, or to knowingly distribute or set out poison or any other toxicant anywhere in the City in any manner whatsoever that causes the poisoning of any such animal. The distribution or setting out of any poison, toxicant or poisoned meat or food, other than those specified for insect, bat, rat, mouse or other rodent poisoning, shall be prima facie evidence of this Section. The poisoning of insects, bats, rats, mice and other rodents shall conform to all applicable state and federal laws. (Ord. 1700 §1, 2001)

Sec. 6-4-520. Promotion of fights.

It shall be unlawful for any person to cause, instigate or encourage any animal fight with another of its own species or with another of a different species. It shall be unlawful to maintain any place where animals are permitted to fight for exhibition, for wager or for sport. For the purposes of this Section, a person encourages a fight between animals for the purpose of monetary gain if he or she:

- (1) Is knowingly present at such a fight;
- (2) Possesses equipment used to train or condition animals for fighting; or
- (3) Knowingly allows any such fight to occur on any property owned or controlled by such person. (Ord. 1700 §1, 2001)

Sec. 6-4-530. Trapping animals.

(a) When deemed necessary by an animal control officer for the health, safety and welfare of the residents of the City, such officers or their agents may place a humane trap on the property of a resident of the City when the resident requests such trap for the purpose of capturing any wild or pet animal creating a nuisance in the City. It shall be unlawful for any person to fail to monitor any trap in accordance with the written trap agreement as provided by the City or state law.

(b) Animal control officers are authorized to use any tranquilizer guns, firearms, humane traps or other suitable devices to control, subdue or destroy any animal that is deemed by the animal control officer, in his or her discretion, to be a danger to itself or to the public health and safety.

(c) It shall be unlawful for any person to set or cause to be set within the City any steel-jaw leghold trap, snare or any trap other than a humane trap, as defined in Section 6-4-10, for the purpose of capturing any animal, whether wild or domestic.

(d) It shall be unlawful for any person to molest, destroy or tamper with any trap set by an animal control officer or owned by the City, or to release any confined animal in a trap set by an animal control officer or owned by the City without prior permission from an animal control officer. (Ord. 1700 §1, 2001)

Division 7 Impoundment

Sec. 6-4-600. Impoundment; disposition; fees.

(a) Any animal in violation of this Chapter or any other ordinance or law of the State may be taken into custody by any animal control officer and impounded in a humane manner.

(b) Whenever any provision of this Chapter, the ordinances of the City or state statutes provide that an animal may be taken into custody or impounded by animal control officers, this Section shall also apply.

(c) Whenever an animal control officer impounds an animal, the animal shall be impounded in a humane manner for a period of not less than three (3) business days following the date of impoundment except as otherwise set forth herein. Any animal so impounded which is not claimed within said three-business-day period may be disposed of by adoption, donation or destruction at the sole discretion of the animal shelter. The animal shelter will not donate or sell animals for consumption or scientific research.

(d) Any animal impounded or held as evidence shall be impounded for a period of not less than three (3) business days following the date of impoundment. Any animal so impounded which is not claimed within said three-business-day period may be disposed of as set forth in Subsection (c) above. In no event shall said animal be released to the animal owner or custodian prior to service of a summons and complaint upon the animal owner or custodian.

(e) No animal shall be destroyed before the lapse of three (3) business days following notice of impoundment pursuant to Section 6-4-610, unless the animal shelter determines that the animal is critically ill, suffering extreme pain or has a poor prognosis for recovery. The animal shelter will consult with a licensed Colorado veterinarian as to the proper disposition of injured animals, when the animal's prognosis cannot be ascertained by the animal shelter with reasonable certainty.

(f) The animal shelter shall from time to time establish charges and fees for impoundment, boarding, euthanasia, disposal, veterinary and all other services as needed. The owner or custodian of any impounded animal shall be responsible for the payment of all charges and fees, together with any veterinary fees incurred. No impounded animal shall be released until the owner or custodian has paid or arranged to pay all such charges and fees. Failure of the owner or custodian of any impounded animal to claim such animal from the animal within three (3) business days shall not relieve the owner or custodian from payment of all applicable charges and fees as established by the shelter. It shall be unlawful for any owner or custodian to fail to pay such fees and charges.

(g) The charges assessed against each animal impounded pursuant to the provisions of this Article shall be set by resolution of the City Council for the feeding and maintenance of such animal. (Ord. 1700 §1, 2001)

Sec. 6-4-610. Notice of impoundment to animal owner; redemption conditions; disposition.

In the event of impoundment of any animal pursuant to this Chapter, as soon as practicable after impoundment, written notice of impoundment shall be posted in a public place in the City for three (3) business days. If the owner or custodian of the impounded animal is known, immediate notice shall be given to him or her by means of telephone or in writing. Thereafter,

the impounded animal may be reclaimed by the owner, keeper or lawful possessor upon payment of the impoundment fee, care and feeding charges, and such other costs as may have been incurred by the City as a result of the impoundment; provided that any prohibited animal or vicious animal as defined in this Chapter may be reclaimed in the manner herein authorized only if the animal control officer, in his or her sole discretion, is satisfied that the owner of such prohibited animal or vicious animal is capable of safely removing such animal and will safely remove such animal from the City to a place where other animals and persons will not be endangered, and not permit its return to the City. If any animal impounded, pursuant to this Chapter, is not redeemed within three (3) business days after notice to the owner or custodian as provided herein, the animal may be considered abandoned and the City may humanely dispose of the animal or have such animal euthanized. (Ord. 1700 §1, 2001)

Sec. 6-4-620. Immediate destruction when deemed in public interest.

(a) Nothing in this Chapter shall be construed to prevent the immediate destruction of any vicious dog or other vicious animal when deemed necessary in the interest of public safety by an animal control officer under circumstances where a significant and immediate threat to the health or safety of a person or other animal exists.

(b) Nothing in this Chapter shall be construed to prevent the immediate destruction of any domestic or wild animal when a veterinarian or animal control officer has deemed that such animal is critically ill or injured, is suffering extreme pain or has a poor prognosis for recovery. Moreover, nothing in this Chapter shall be construed to limit or restrict a person's ability to protect life and property, or to limit or restrict the authority of any person working for the Colorado Division of Wildlife. (Ord. 1700 §1, 2001)

Sec. 6-4-630. Disposition of wild animals.

Animal control officers, at their discretion, are hereby authorized to apprehend any wild animal that may be at large within the City and causing damage to property or constituting a hazard to the public. Such wild animal may be impounded, released to appropriate keepers, relocated or destroyed at the discretion of an animal control officer, subject to applicable provisions of the laws of the State. (Ord. 1700 §1, 2001)

Division 8 Kennel License

Sec. 6-4-700. Kennel licenses required.

(a) It shall be unlawful for any person, firm or corporation to maintain or operate any kennel within the City without first having obtained a City kennel license therefor as required by this Chapter. The owner or operator of any kennel shall procure a City license from the City Clerk on or before the first day of March each year or prior to commencement of the operation of such kennel. Licenses and renewals shall be procured in the manner prescribed herein, and fees therefor shall be set by resolution of City Council.

(b) Unless and until modified by resolution of City Council, all new applications for licenses shall be accompanied by an application fee of fifty dollars (\$50.00) and a yearly license fee of fifty dollars (\$50.00), for a total of one hundred dollars (\$100.00). Thereafter, licenses shall be subject to a yearly license renewal fee of fifty dollars (\$50.00). (Ord. 1700 §1, 2001)

Sec. 6-4-710. Licensing; procedure.

(a) Filing. Applications for a new license or renewal of an existing license under the provisions of this Chapter shall be on forms furnished by the City Clerk.

(b) Applications complete. The City Clerk shall not accept any application that is not complete in every detail. If an omission or error is discovered by the City Clerk, the application shall be rejected and returned to the applicant for completion or correction without further action by the City Clerk. All fees shall be returned with the application. For purposes of this Chapter, the date the City Clerk accepts an application which is complete in every detail shall be the filing date.

(c) Compliance with City regulation. No kennel license shall be issued until:

(1) A written inspection certificate has been issued by an animal control supervisor or his or her designee certifying approval of the kennel, compliance with applicable laws of the City and the State, and that the applicant has licenses to operate the kennel which have been issued by the Colorado Department of Health and Colorado Division of Agriculture and which are valid at the time of the issuance of the certificate; and

(2) A written certificate has been issued by the code enforcement supervisor or his or her designee certifying that the operation of the kennel is in compliance with the zoning ordinance at the time of the issuance of the certificate.

(d) State licenses. The existence of state licenses referenced in Subsection (c) above shall not in itself assure that a City license shall be issued.

(e) Inspections. The animal control officer or code enforcement officer shall have the right to inspect any premises licensed under this Section at any time, and nothing shall prevent the entry onto private property for the purposes of such inspection. The application for or issuance of a kennel license shall constitute consent by the licensee to such entry and inspection. (Ord. 1700 §1, 2001)

Sec. 6-4-720. Renewal.

(a) All kennel licenses must be renewed every year before the end of March.

(b) If the City Clerk has not received any protest against its renewal, the City Clerk may issue a renewal of an existing kennel license at the same location without any report from an animal control officer or code enforcement officer.

(c) If the animal control officer or the code enforcement officer finds that the holder of any kennel license is violating any zoning law, health law or any other law of the State or the City, or is maintaining said facility in a manner detrimental to the health, safety or peace of mind of any person residing in the immediate vicinity, he or she shall report such fact to the City Clerk, who shall notify the licensee in writing that said license may not be renewed until after a public hearing before the City Council. (Ord. 1700 §1, 2001)

Sec. 6-4-730. Suspension.

(a) The City Council may suspend or revoke a kennel license if, pursuant to a public hearing, it finds any of the following:

- (1) The kennel is maintained in violation of any applicable law of the State or the City;
- (2) The kennel is maintained so as to be a public nuisance;
- (3) The kennel is maintained so as to be detrimental to the health or safety of the animals therein; or
- (4) The kennel is maintained so as to be detrimental to the health, safety or peace of mind of persons residing in the immediate vicinity.

(b) This Section shall not apply to and will not be construed to require a kennel license for a licensed veterinarian to operate an animal hospital. (Ord. 1700 §1, 2001)

Division 9 Control of Infestations

Sec. 6-4-800. Control of infestations.

(a) No owner of any lot, block or parcel of ground within the City shall allow or permit said lot, block or parcel of ground to become or remain infested with prairie dogs.

(b) For the purpose of this Section, *infestation* shall mean the presence of more than one (1) prairie dog burrow or nest per nine hundred (900) square feet of ground.

(c) If the owner of any lot, block or parcel of ground within the City fails to or refuses to remove or eliminate rodent infestations within thirty (30) days after being served notice by a City official, the City will abate the property and request payment or lien on the property. (Ord. 1700 §1, 2001)